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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL BAIL APPLICATION NO.1484 OF 2017

Martin Anthony Swami Durairaj	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Mateen Shaikh a/w Mr. Sajid Qureshi Adeeba Khan, for the Applicant.

Mr. V.V. Gangurde, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 29th AUGUST, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.19 of 2017 registered with the Chembur Police Station, for the alleged offences punishable under Sections 306 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that no offence as alleged under Section 306 of the Indian Penal Code is disclosed, qua the applicant. He submitted that the deceased committed suicide on 14th January, 2017, in a hotel room and that there is nothing to show that the applicant was responsible for the same.

4. Learned APP opposed the application. He submitted that the applicant had travelled with the deceased from Kerala to Mumbai on 10th January, 2017.

5. Perused the papers. The complainant is Police Naik, Raju Misal, who was attached to the Chembur Police Station, at the relevant time. On receiving information, that Satish (deceased) was not contactable, the complainant and the Manager of the hotel, called a key maker and opened the room door. On opening the room, Satish was seen hanging on the ceiling fan and there was a slit on his left wrist. No suicide note was found at the spot. It is the prosecution case, that deceased – Satish had taken loan from some persons (not the applicant) and as he was unable to repay the same, he committed suicide. Learned APP is unable to point out any

material to connect the applicant with the alleged offence. It is not the case of the prosecution, that the applicant had advanced any loan to the deceased and was demanding the same from the deceased. Merely because the applicant and the deceased travelled together from Kerala to Mumbai, cannot be said to be incriminating. Co-accused – Mohd. Riyaz Kamaluddin Sayed has been enlarged on bail by this Court vide order dated 8th August, 2017, passed in Bail Application No.1498 of 2017. Investigation is complete and charge-sheet is filed. The applicant has no antecedents.

6. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Monday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;

iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;

iv) The Applicant shall co-operate in the conduct of the trial;

v) An undertaking to the aforesaid clauses (ii) to (iv), shall be filed by the Applicant, in the Registry of the trial Court, within one week of his release;

vi) It is made clear, that if there is breach of any of the conditions as stated above, the prosecution shall be at liberty to seek cancellation of Applicant's bail.

7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)